



**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN STEVEN OLAUSEN,

Plaintiff,

vs.

GARY HATLESTAD,

Defendant.

3:10-cv-00049-RCJ-RAM

ORDER

This is a *pro se* civil rights action filed pursuant to 42 U.S.C. § 1983, by a Nevada state prisoner. On October 20, 2010, this Court entered an order dismissing the complaint with prejudice for failure to state a claim. (Docket #8). Judgment was entered on October 22, 2010. (Docket #9). On November 2, 2010, plaintiff filed a motion for relief from judgment. (Docket #10).

Plaintiff has brought a motion for relief from judgment pursuant to Federal Rule 60(b). *School Dist. No. 1J Multnomah County v. AC&S, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993), *cert. denied* 512 U.S. 1236 (1994). Under Fed. R. Civ. P. 60(b) the court may relieve a party from a final judgment or order for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether heretofore denominated intrinsic or extrinsic),

1 misrepresentation, or other misconduct of an adverse party; (4) the
2 judgment is void; (5) the judgment has been satisfied, released, or
3 discharged, or a prior judgment upon which it is based has been
4 reversed or otherwise vacated, or it is no longer equitable that the
5 judgment should have prospective application; or (6) any other reason
6 justifying relief from the operation of the judgment.

7 Motions to reconsider are generally left to the discretion of the trial court. *See Combs v. Nick Garin*
8 *Trucking*, 825 F.2d 437, 441 (D.C. Cir. 1987). In order to succeed on a motion to reconsider, a party
9 must set forth facts or law of a strongly convincing nature to induce the court to reverse its prior
10 decision. *See Kern-Tulare Water Dist. v. City of Bakersfield*, 634 F. Supp. 656, 665 (E.D. Cal.
11 1986), *aff'd in part and rev'd in part on other grounds* 828 F.2d 514 (9th Cir. 1987). In his motion
12 for relief from judgment, plaintiff reiterates the same contentions made in his complaint. Plaintiff
13 has failed to make an adequate showing under Rule 60(b) that this Court's order dismissing the
14 complaint was erroneous or should be reversed.

15 **IT IS THEREFORE ORDERED** that plaintiff's motion for relief from judgment
16 (Docket #10) is **DENIED**.

17 DATED this 29th day of November, 2010.

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19 UNITED STATES DISTRICT JUDGE
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